



Reprinted
January 18, 2002

SENATE BILL No. 136

DIGEST OF SB 136 (Updated January 17, 2002 2:42 PM - DI 14)

Citations Affected: IC 5-22; noncode.

Synopsis: Telephone calling system for confined offenders. Makes the requirements for a solicitation for a telephone calling system provided to an offender located in a county with a population greater than or equal to 75,000 who is confined in: (1) a community corrections facility; (2) a juvenile detention facility; (3) a juvenile detention center; or (4) a county jail equivalent to the solicitation requirements for a department of correction facility. Requires the department of administration to accept the lowest and best proposal for a telephone calling system for confined offenders. Provides that commissions received under a contract for a telephone calling system for confined offenders entered into by the department of administration shall be used to fund capital improvement projects at department of correction facilities. Provides that money in the correctional facilities calling system fund may not be spent without a specific appropriation.

Effective: Upon passage.

Meeks C, Broden, Howard

January 7, 2002, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

January 14, 2002, amended, reported favorably — Do Pass.

January 17, 2002, read second time, amended, ordered engrossed.

SB 136—LS 6206/DI 103+



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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 136

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-22-23 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:

4 **Chapter 23. Telephone Calling Systems for Confined Offenders**

5 **Sec. 1. For purposes of this chapter, "confined" has the meaning**
6 **set forth in IC 11-8-1-6.**

7 **Sec. 2. For purposes of this chapter, "department" refers to the**
8 **Indiana department of administration.**

9 **Sec. 3. For purposes of this chapter, "offender" has the meaning**
10 **set forth in IC 11-8-1-9.**

11 **Sec. 4. For purposes of this chapter, "system" means a**
12 **telephone calling system (including local, intralata, interlata, and**
13 **interstate long distance services) for confined offenders.**

14 **Sec. 5. (a) This section applies to a solicitation for a system by**
15 **the department.**

16 **(b) Notwithstanding any other law, the solicitation must include**
17 **a statement concerning the following:**

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(1) Any security and fraud control services considered necessary by the department, including the use of collect calling services as the sole means of confined offender communications with the general population.

(2) The goal of reducing the total cost of a telephone call placed by a confined offender by soliciting competitive proposals that emphasize lower:

(A) per call service charges;

(B) per minute rates; and

(C) commission rates.

(c) The department shall accept the lowest and best proposal submitted under this chapter. The determination of the lowest and best proposal must include the consideration of any requirement imposed under subsection (b).

(d) The department shall deposit commissions received under a contract entered into under a solicitation into the correctional facilities calling system fund established by section 7 of this chapter.

Sec. 6. (a) This section applies to a purchasing agent for the following:

(1) A community corrections advisory board.

(2) A juvenile detention center.

(3) A juvenile detention facility.

(4) A county jail.

This section does not apply to a purchasing agent for a county with a population less than seventy-five thousand (75,000).

(b) Notwithstanding any other law, a solicitation by a purchasing agent:

(1) must include any security and fraud control services considered necessary by the purchasing agency, including the use of collect calling services as the sole means of confined offender communications with the general population; and

(2) may not solicit:

(A) a per call service charge;

(B) a per minute rate; or

(C) a commission rate;

that exceeds the terms of a contract between the state and a telecommunications provider under the most recent solicitation submitted by the department under this article.

Sec. 7. (a) The correctional facilities calling system fund is established for the purposes of improving, repairing, rehabilitating, and equipping department of correction facilities.

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The fund consists of the following:

(1) Money deposited in the fund under section 5(d) of this chapter.

(2) Money appropriated by the general assembly.

(3) Money received from any other source.

(b) The department of correction shall administer the fund.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) Money in the fund may not be spent unless the general assembly includes a specific line item appropriation in the budget bill or otherwise specifically appropriates the money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 2. [EFFECTIVE UPON PASSAGE] IC 5-22-23, as added by this act, does not apply to solicitations for telephone calling systems (including local, interlata, intralata, and interstate long distance services) for confined offenders made before the effective date of this act.

SECTION 3. An emergency is declared for this act.

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SENATE MOTION

Mr. President: I move that Senator Broden be added as coauthor of Senate Bill 136.

MEEKS C

SENATE MOTION

Mr. President: I move that Senator Howard be added as coauthor of Senate Bill 136.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill No. 136, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between lines 6 and 7, begin a new paragraph and insert:

"Sec. 2. For purposes of this chapter, "department" refers to the Indiana department of administration."

Page 1, line 7, delete "Sec. 2." and insert "Sec. 3."

Page 1, line 9, delete "Sec. 3." and insert "Sec. 4."

Page 1, line 12, delete "Sec. 4." and insert "Sec. 5."

Page 1, line 13, delete "Indiana department of administration." and insert "department."

Page 1, line 17, delete "Indiana department of administration," and insert "department,".

Page 2, between lines 9 and 10, begin a new paragraph and insert:

"(c) The department shall accept the lowest and best proposal submitted under this chapter. The determination of the lowest and best proposal must include the consideration of any requirement imposed under subsection (b).

(d) The department shall deposit commissions received under a contract entered into under a solicitation into the correctional facilities calling system fund established by section 7 of this chapter."

Page 2, line 10, delete "Sec. 5." and insert "Sec. 6."

Page 2, line 15, delete "located in a county with a population of at" and insert ".".

Delete page 2, line 16.

Page 2, line 17, delete "jail".

Page 2, line 18, delete "located in a county".

Page 2, line 32, delete "Indiana department of".

Page 2, line 33, delete "administration" and insert "department".

Page 2, between lines 33 and 34, begin a new paragraph and insert:

"Sec. 7. (a) The correctional facilities calling system fund is established for the purposes of improving, repairing, rehabilitating, and equipping department of correction facilities. The fund consists of the following:

- (1) Money deposited in the fund under section 5(d) of this chapter.**
- (2) Money appropriated by the general assembly.**
- (3) Money received from any other source.**



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(b) The department of correction shall administer the fund.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund."

and when so amended that said bill do pass.

(Reference is to SB 136 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 10, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 136 be amended to read as follows:

Page 3, between lines 8 and 9, begin a new line block indented and insert:

"(d) Money in the fund may not be spent unless the general assembly includes a specific line item appropriation in the budget bill or otherwise specifically appropriates the money in the fund."

Page 3, line 9, delete "(d)" and insert "(e)".

Page 3, line 12, delete "(e)" and insert "(f)".

(Reference is to SB 136 as printed January 15, 2002.)

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